# DA – CJS Politics

## Shell

### NC – Shell

Obama is making a ‘full court press’ for criminal justice reform now. **Bartash 4/25**

BARTASH 4/25 (Jeffry; Market Watch, “Conservatives, White House agree: U.S. criminal justice system does not pay off,” http://www.marketwatch.com/story/conservatives-white-house-agree-us-criminal-justice-system-does-not-pay-off-2016-04-25)

The Obama administration, with the help of some prominent conservatives, is mounting a full-court press this week to push the case to rework the nation’s criminal justice system. The argument: too many people are in prison at great economic and human cost to the United States. A band of liberals and conservatives joined on Monday at a White House event to urge Congress and the states to re-examine the high cost of incarceration. They want lawmakers to look at ways to reduce the U.S. prison population, prepare inmates for life after prison and take measures to prevent people from turning to a life of crime. At the same time, the White House released a new report on the economic consequences of the criminal justice system that calls the current patchwork of state and federal laws too costly and not very effective at deterring crime. The report included a flood of statistics that make a strong case for an overhaul of the system. “Sometimes a cost-benefit analysis tells you it’s a slam dunk,” said Douglas Holtz-Eakin, a noted conservative economist and president of the American Action Forum. Arthur Brooks, president of the conservative-leaning American Enterprise Institute, said the case for an overhaul is not just about money. “This is about the lives we are throwing away,” he said. “We pay an enormous price for this.” Some reforms under consideration include easing automatic sentences, eliminating requirements that people list criminal records on job or housing applications, expunging records after a certain period, using non-prison alternatives for drug offenders and offering more educational or vocational help in jail. More conservatives have come around to the idea of reform — an issue long pushed by liberals — because of the high costs involved. The U.S. spends about $80 billion a year to house 2.2 million inmates. Yet more than half of all ex-convicts commit future crimes, a problem fueled in large part by inadequate efforts to prepare inmates to rejoin society after prison, advocates say. Many can barely read, and they are provided with little assistance to get a job once they are free. There’s also a racial element: A high percentage of those in prison are black or hispanic who are jailed at higher rates than whites for the same offenses, reformer say. As Holtz-Eakin noted, the majority of U.S. governors are Republican and they struggle to cope with the expenses involved at a time when state budgets are especially tight. In a few cases, states pay more for incarceration than they do for education. The percentage of Americans in prison is the highest among all developed countries, and it’s four times the world average, according to a lengthy report issued by the White House Council of Economic Advisers. The prison population has exploded since 1980 despite a huge drop in the crime rate. The White House report contends that the higher incarceration rate is not the main reason for the drop in crime. Jason Furman, head of the CEA, said extensive research suggests changing demographics, better police tactics and improved economic conditions are the more likely reasons — a contention many but not all conservatives reject. Whatever the case, the call for reform is growing louder. Staunch conservatives such as former House Speaker Newt Gingrich and ex-Texas Gov. Rick Perry have criticized the current U.S. approach. And efforts to change the system have been funded by big-money conservatives such as the Koch brothers.

CJR will pass now but there’s tensions and ensuring bipartisanship is key. **Debonis 4/29**

Mike Debonis, "The time for criminal justice reform might at last be nigh," Washington Post, https://www.washingtonpost.com/news/powerpost/wp/2016/04/29/the-time-for-criminal-justice-reform-might-at-last-be-nigh/, April 28, 2016. CC

A presidential election year is not typically the most opportune time to pass ambitious, complicated and controversial bills through Congress. But it appears there is still hope for action this year on the politically sensitive topic of criminal justice reform. A bipartisan group of senators announced revisions Thursday to a bill easing federal sentencing guidelines for non-violent offenders and allowing many of those already incarcerated — most of them drug offenders — to petition a judge for reductions in their jail terms. The changes have been enough to win the support of key advocates and several additional Republican senators, who have been divided over whether the reforms represent wise fiscal and justice policy or whether they are an imprudent loosening of criminal penalties. One crucial endorsement came this week from the National District Attorneys Association, which said the latest version of the bill “strikes the appropriate balance between targeting the highest level drug traffickers plaguing our communities, while simultaneously decreasing crime rates and addressing the burgeoning prison population.” “I think we’ve got some momentum,” said Sen. John Cornyn (R-Tex.), the No. 2 GOP leader and Judiciary Committee member who crafted the legislation with Sens. Mike Lee (R-Utah), Richard J. Durbin (D-Ill.) and other senators of both parties. The crucial question now is whether Senate Majority Leader Mitch McConnell (R-Ky.) will bring the bill to the floor. McConnell has been largely mum on the sentencing-reform effort, given the divides within the Republican caucus, but he has otherwise been eager to pass bipartisan bills to show that the Senate is functioning. Floor time for the bill may be hard to secure, however, if McConnell follows through on his pledge to process appropriations bills for the next two and a half months before Congress breaks for an extended summer recess. But there are new signs that the appropriations process could stall, and Cornyn said Thursday that “if there is floor time that opens up, we want to make sure we’re one of the candidates for consideration.” Judiciary Committee Chairman Sen. Charles E. Grassley (R-Iowa) said he has not yet asked McConnell to bring the bill to the floor but said such a discussion is forthcoming: “I knew that we had to get more co-sponsors and refine the bill so that other people would be comfortable with it, and I think it’s time for those discussions to start right now.” McConnell spokesman David Popp said “discussions continue” among the GOP senators about how to proceed with the bill. Meanwhile, in the House, Speaker Paul D. Ryan (R-Wis.) said Thursday that he was “optimistic and hopeful” that his chamber would act on a package of criminal justice reform measures that could be reconciled with a Senate bill. “We’ll bring bills to the floor, which I believe we’ll pass, and then we’ll go to a conference committee,” he said. But political pitfalls remain — most notably, a group of Republican senators who remain strongly opposed to any significant easing of criminal sentences. Sen. David Perdue (R-Ga.), a Judiciary Committee member, said the revised bill would still “allow dangerous felons, many of whom have multiple prior convictions for violent crimes, out of prison early.” “The idea that we are only allowing low-level criminals out of jail is a smoke screen,” he said in a statement circulated Thursday. “As currently written, this bill would put thousands of dangerous felons back on the streets early, potentially endangering our families and communities, and therefore I still cannot support it.” Other notable opponents of the previous version of the bill include Sen. Ted Cruz (R-Tex.), a presidential candidate who pivoted hard into a tough-on-crime stance earlier this year, and Sen. Jeff Sessions (R-Ala.), an adviser to presidential front-runner Donald Trump. Sharp opposition from either presidential candidate could torpedo the revised bill’s chances this year. Cornyn pushed back on the soft-on-crime critique in a floor address Thursday, telling critics that “it’s just not true” that violent criminals will be released and to “take another look at the legislation.” The revisions tightened the eligibility under the previous version of the bill of certain violent offenders to seek a retroactive early release, while expanding the relief available to non-violent offenders. They also eliminated provisions that would have loosened sentence enhancements for repeat offenders who commit crimes with firearms and create a new mandatory minimum sentence for crimes involving fentanyl, a frequently abused opioid narcotic. Those changes have prompted groans from advocates pushing for sentencing reforms, who argue that lawmakers are watering down the bill too much in their bid to push this bill this year. Julie Stewart, founder and president of Families Against Mandatory Minimums, said the bill “was very modest to begin with, and Congress should be strengthening it, not weakening it.” The bill now has 37 co-sponsors, and the senators leading the effort would not explicitly say that they have commitments from the 60 senators necessary to get the bill through the Senate. But Sen. Sheldon Whitehouse (D-R.I.) said there is a “strong expectation” that the bill will gain that level of support, and he said he was not concerned by the concessions that have been made to get there. “There was a lot that was left on the cutting-room floor,” he said. “But I think it’s still a hell of a good movie.”

The AFF is political self-destruction for democrats – there’s a strong distinction between regulations and bans. **Scher 15**

Bill Scher. “Will Any Presidential Candidate Support Banning Handguns?” CommonDreams. October 03, 2015. CC

Politicians generally avoid proposing handgun bans because the position doesn’t fit into the frame of exempting “responsible gun owners” from new regulations. No one needs an assault rifle to hunt or to protect themselves. But plenty of Americans keep handguns thinking that it will protect them from harm. Politicians are loathe to advocate that the government “take their guns away.” However, the reality is, as physicist David Robert Grimes put it, “actually owning and using a firearm hugely increases the risk of being shot.” Of course, this is a political impossibility for the foreseeable future. The current Republican Congress won’t even pass an expansion of background checks, and a previous Republican Congress allowed the Clinton-era assault weapons ban to expire. A handgun ban also could run afoul of the Supreme Court, as it is currently constituted. But will any presidential candidate be willing to push the envelope, shake up the debate, and put a handgun ban on the table? It’s unlikely to be Sen. Bernie Sanders. Gun control is pretty much the only area where Sanders, long-time representative of rural hunting state, could be classified as a moderate. He opposed background checks in 1993, though supported them in 2013. He once supported a law protecting gun manufacturers from lawsuits, but he also voted for the assault weapons ban and supports closing the so-called gun show loophole. His rhetoric on the subject involves a bit of triangulation, “I think that urban America has got to respect what rural America is about, where 99 percent of the people in my state who hunt are law abiding people.” It’s unlikely to be Hillary Clinton. While she is stressing gun control in her campaign — a rare opportunity for her to get to Bernie’s left — she is a pragmatist at heart. Democrats for years have been careful to avoid sounding like “gun grabbers,” skirting the gun control issue so they can be competitive in states with high gun ownership like Colorado, Iowa and Nevada. In fact, if Democrats had not pursued this strategy, arguably Barack Obama never would have become president. For Clinton to push the issue now is shift left from where Obama was rhetorically in 2008 and 2012. But what’s on the table are provisions like “universal background checks, cracking down on illegal gun traffickers, and keeping guns out of the hands of domestic abusers and stalkers.” A handgun ban is not in the cards. But what about former Gov. Martin O’Malley? He too is pushing gun control hard, laying out a multi-pronged strategy to reduce gun violence, including universal background checks and a national gun registry. (An O’Malley Super PAC even ran a negative ad against Sanders regarding guns.) Yet he hasn’t gone as far as banning handguns. O’Malley, languishing near zero percent in the polls, is a candidate in need of a breakout issue, one that would animate base voters and distinguish himself from the pack. Merely proposing a handgun ban certainly wouldn’t make it become law anytime soon. But it would refocus the debate on the actual source of most of our senseless gun deaths.

Criminal justice reform solves mass incarceration and overcriminalization – it’s the central human rights issue globally. **Cox 15**

Cox 15 (Todd, Senior Fellow @ Center for American Progress, 10/22, "Congress Should Act to Make Criminal Justice Reform History," <https://www.americanprogress.org/issues/guns-crime/news/2015/10/22/123935/congress-should-act-to-make-criminal-justice-reform-history/>)

The impact of mass incarceration on communities of color is particularly staggering and is a significant driver of racial inequality in the United States. People of color comprise more than 60 percent of the population behind bars despite making up only approximately 39.9 percent of the U.S. population. Criminal justice reform is a central civil and human rights issue of this century. As such, it is critical that policymakers act to end mass incarceration and overcriminalization—particularly with regard to how they affect poor communities and communities of color—by creating an equitable and balanced justice system that removes unnecessary barriers to opportunity for people with criminal records. Congress is now moving to address some of these issues. The Sentencing Reform and Corrections Act of 2015, also known as the Sentencing Reform Act, and the Fair Chance to Compete for Jobs Act of 2015, or Fair Chance Act, are focused, bipartisan pieces of legislation that tackle many of the root causes and impacts of overincarceration and the overcriminalization of poor communities and communities of color. The bipartisan Sentencing Reform Act includes several key recommendations proposed by the Center for American Progress, including improving the accuracy of criminal history records and sealing or expunging juvenile records under certain circumstances. The bill takes a number of steps to end the unnecessarily harsh penalties and outcomes that characterized the now-discredited policies of the tough-on-crime era. These measures include: Expanding the existing safety valve and giving judges additional discretion to relieve significant numbers of people from unnecessarily harsh mandatory minimum sentences Making the Fair Sentencing Act of 2010 retroactive, thereby making the reductions in the sentencing disparities between crack and powder cocaine—disparities that have a disproportionate racial impact­—available for thousands of current federal prisoners Providing sentence reductions and early releases for prisoners who successfully complete rehabilitation programs Limiting the use of solitary confinement for juveniles in federal custody Providing for the sealing or expungement of juvenile criminal records under certain circumstances, which would help create opportunities for young people to overcome or avoid many of the barriers that confront those with criminal records, including barriers to employment, housing, and education Requiring the attorney general to develop a process for individuals who are undergoing employment criminal background checks to challenge the accuracy of their federal criminal records, which would help to address the well-documented problem of errant criminal records databases The Sentencing Reform Act is a good first step and contains significant reforms that, taken together, would address many of the concerns with the U.S. criminal justice system. However, more action is needed to bring these reforms to life and make them more complete. Among other things, lawmakers need to seriously address the barriers to opportunity confronted by those with criminal records. Doing so would afford these individuals a second chance and, just as importantly, make communities safer. The bipartisan Fair Chance Act, introduced in both the U.S. Senate and the U.S. House of Representatives in September, would help remove barriers to employment in the federal government for people with criminal records. Because employment status is an important predictor of an individual’s ability to remain crime free, this legislation would offer an important tool for preventing recidivism. Following the example of several large and small companies, as well as some state and local governments, the Fair Chance Act would prohibit the federal government and federal contractors from asking about criminal history until the final conditional offer stage. Notably, the Fair Chance Act would not prevent the federal government or contractors from asking about criminal history outright. Instead, the act—which follows a CAP recommendation for the adoption of fair chance hiring practices—would provide the opportunity for individuals with criminal records to be considered for federal employment on their own merit without being immediately disqualified. The federal government and contractors would still have the opportunity to learn about applicants’ criminal histories before hiring them. Following bipartisan praise, this landmark legislation was voted out of the Senate Committee on Homeland Security and Governmental Affairs by voice vote and will advance to the Senate floor for consideration. Both of these bills are important first steps. They are critically needed and long overdue. As the Sentencing Reform Act moves to markup and the Fair Chance Act moves to the Senate floor, the Center for American Progress calls on congressional leaders to take this unprecedented opportunity to build on broad bipartisan momentum and reform the nation’s broken criminal justice system by moving immediately to pass these bills. Congress should also quickly consider the additional actions needed to end the scourge of mass incarceration and overcriminalization of poor communities and communities of color, such as reforms to how the United States polices its communities and reforms that remove additional barriers for individuals with criminal records.

That solves global WMD conflict. **Burke-White 04**

Burke-White 4 (William W., Lecturer in Public and International Affairs and Senior Special Assistant to the Dean at the Woodrow Wilson School of Public and International Affairs, Princeton University and Ph.D. at Cambridge, “Human Rights and National Security: The Strategic Correlation”, The Harvard Human Rights Journal, Spring, 17 Harv. Hum. Rts. J. 249, Lexis)

This Article presents a strategic--as opposed to ideological or normative--argument that the promotion of human rights should be given a more prominent place in U.S. foreign policy. It does so by suggesting a correlation between the domestic human rights practices of states and their propensity to engage in aggressive international conduct. Among the chief threats to U.S. national security are acts of aggression by other states. Aggressive acts of war may directly endanger the United States, as did the Japanese bombing of Pearl Harbor in 1941, or they may require U.S. military action overseas, as in Kuwait fifty years later. Evidence from the post-Cold War period  [\*250]  indicates that states that systematically abuse their own citizens' human rights are also those most likely to engage in aggression. To the degree that improvements in various states' human rights records decrease the likelihood of aggressive war, a foreign policy informed by human rights can significantly enhance U.S. and global secu**rity**. Since 1990, a state's domestic human rights policy appears to be a telling indicator of that state's propensity to engage in international aggression. A central element of U.S. foreign policy has long been the preservation of peace and the prevention of such acts of aggression. [2](http://www.lexis.com/research/retrieve?_m=62d5bddd50e555db7dfb40b14668cef6&csvc=bl&cform=searchForm&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzW-zSkAW&_md5=a81b07a0a90d95be59f9b7bb9d939181" \l "n2" \t "_self) If the correlation discussed herein is accurate, it provides U.S. policymakers with a powerful new tool to enhance national security through the promotion of human rights. A strategic linkage between national security and human rights would result in a number of important policy modifications. First, it changes the prioritization of those countries U.S. policymakers have identified as presenting the greatest concern. Second, it alters some of the policy prescriptions for such states. Third, it offers states a means of signaling benign international intent through the improvement of their domestic human rights records. Fourth, it provides a way for a current government to prevent future governments from aggressive international behavior through the institutionalization of human rights protections. Fifth, it addresses the particular threat of human rights abusing states obtaining weapons of mass destruction (WMD). Finally, it offers a mechanism for U.S.-U.N. cooperation on human rights issues.

### Add-On – Econ

Criminal justice reform vital for US economic strength – labor growth, productivity, fiscal improvement. **Rubin and Turner 14**

Rubin and Turner 14 (Robert and Nicholas, a former U.S. Treasury secretary/co-chairman of the Council on Foreign Relations + president and director of the Vera Institute of Justice, "The Steep Cost of America’s High Incarceration Rate," 12/25, http://www.wsj.com/articles/robert-rubin-and-nicholas-turner-the-steep-cost-of-americas-high-incarceration-rate-1419543410)

One of us is a former Treasury secretary, the other directs a criminal-justice institute. But we’ve reached the same conclusions. America’s overreliance on incarceration is exacting excessive costs on individuals and communities, as well as on the national economy. Sentences are too long, and parole and probation policies too inflexible. There is too little rehabilitation in prison and inadequate support for life after prison. Crime itself has a terrible human cost and a serious economic cost. But appropriate punishment for those who are a risk to public safety shouldn’t obscure the vast deficiencies in the criminal-justice system that impose a significant drag on the economy. The U.S. rate of incarceration, with nearly one of every 100 adults in prison or jail, is five to 10 times higher than the rates in Western Europe and other democracies, according to a groundbreaking, 464-page report released this year by the National Academy of Sciences. America puts people in prison for crimes that other nations don’t, mostly minor drug offenses, and keeps them in prison much longer. Yet these long sentences have had at best a marginal impact on crime reduction. This is not only a serious humanitarian and social issue, but one with profound economic and fiscal consequences. In an increasingly competitive global economy, equipping Americans for the modern workforce is an economic imperative. Excessive incarceration harms productivity. People in prison are people who aren’t working. And without effective rehabilitation, many are ill-equipped to work after release. For the more than 600,000 people who leave prison and re-enter society every year, finding employment can be a severe challenge. Prison time carries a social stigma, which makes finding any job, let alone a good job, all too difficult. The Labor Department doesn’t track the unemployment rate for people with prison records. But a 2006 study by the Independent Committee on Reentry and Employment found that up to 60% of formerly incarcerated people are unemployed one year after release, with their unemployment rates rising to above 65% during the 2008-09 recession, according to a study in the Journal of Correctional Education. And even when they find employment, people who have been incarcerated earn 40% less than people of similar circumstances who have never been imprisoned, according to a study by the Massachusetts Criminal Justice Reform Coalition. Faced with obstacles to gainful employment, it’s no surprise that 43% of people released from prison end up back behind bars within three years, according to a recent Pew study on recidivism. The costs of incarceration extend across generations. Nearly three million American children have a parent in prison or jail. Growing up with an incarcerated parent can harm childhood development. Research by Pew shows that children with fathers who have been incarcerated are nearly six times more likely to be expelled or suspended from school. Incarceration therefore helps perpetuate the cycle of family poverty and increases the potential for next generation criminal activity. A 2009 study by two Villanova sociologists found that, from 1980 to 2004, the official poverty rate would have fallen by more than 10% had it not been for our nation’s incarceration policies. Many of the people who end up in prison are already acutely disadvantaged to begin with. In terms of basic education, more than a third of people in prison do not have a high-school diploma or GED, according to the Justice Department. And Columbia University researchers in 2010 found that two-thirds of people in prison struggled with drug addiction before incarceration. A study released in 2006 by the Bureau of Justice Statistics found that 45% of federal prisoners, 56% of state prisoners and 64% of local jail inmates suffered from mental-health problems. Instead of allowing these disadvantages to fester in prison, we need new policies that are designed to foster positive change, giving those who are incarcerated the skills they need to re-enter society as productive members of the workforce. For example, the government currently bars people in prison from receiving Pell Grants, a counterproductive policy that should be reversed. Substance abuse and mental-health treatment programs, along with educational support, can help people leave prison healthier and better-equipped to make socially productive choices. Model programs are being piloted at the state level. For example, the Vera Institute of Justice’s Pathways from Prison to Post-Secondary Education project is working with more than 900 students in 14 prisons. The program provides college classes and re-entry support such as financial literacy training, legal services, employment counseling and workshops on family reintegration. A 2013 meta-analysis by RAND has already found that recidivism decreases when a former inmate graduates from college, which also boosts lifetime earning potential. And clearly, we need significant sentencing and parole reform. There is widespread bipartisan agreement that we are using prison for too many crimes and for too long, with concentrated effects in many communities. One possibility for reform is the Smarter Sentencing Act, introduced by Democratic Sen. Dick Durbin and Republican Sen. Mike Lee, which boasts 30 co-sponsors and was successfully reported out of the Senate Judiciary Committee this spring. The bill’s House companion also enjoys strong bipartisan support. There are also examples of progress in statehouses around the country. In 2013, 35 states passed bills to change some aspect of how their criminal justice systems address sentencing and parole; since 2009, more than 30 states have reformed existing drug laws and sentencing practices, according to reports from Vera this year. The time has come to make sensible reform in these four areas—sentencing, parole, rehabilitation and re-entry—a national priority. Doing so could accomplish a tremendous amount for families, communities and the U.S. economy.

Econ collapse leads to escalating instability and nuke war. **Harris and Burrows 09**

Harris and Burrows, 9 – \*counselor in the National Intelligence Council, the principal drafter of Global Trends 2025, \*\*member of the NIC’s Long Range Analysis Unit “Revisiting the Future: Geopolitical Effects of the Financial Crisis”, Washington Quarterly, <http://www.twq.com/09april/docs/09apr_burrows.pdf>)

Increased Potential for Global Conflict Of course, the report encompasses more than economics and indeed believes the future is likely to be the result of a number of intersecting and interlocking forces. With so many possible permutations of outcomes, each with ample opportunity for unintended consequences, there is a growing sense of insecurity. Even so, history may be more instructive than ever. While we continue to believe that the Great Depression is not likely to be repeated, the lessons to be drawn from that period **include** the harmful effects on fledgling democracies and multiethnic societies (think Central Europe in 1920s and 1930s) and on the sustainability of multilateral institutions (think League of Nations in the same period). There is no reason to think that this would not be true in the twenty-first as much as in the twentieth century. For that reason, the ways in which the potential for **greater** conflict could grow would seem to be even more apt **in a constantly volatile economic environment** as they would be if change would be steadier. In surveying those risks, the report stressed the likelihood that terrorism and nonproliferation will remain priorities even as resource issues move up on the international agenda. Terrorism’s appeal will decline if economic growth continues in the Middle East and youth unemployment is reduced. For those terrorist groups that remain active in 2025, however, the diffusion of technologies and scientific knowledge will place some of the world’s most dangerous capabilities within their reach. **Terrorist groups** in 2025 **will likely be** a combination of descendants of long established groups inheriting organizational structures, command and control processes, and training procedures necessary to conduct sophisticated attacks and newly emergent collections of the angry and disenfranchised that become **self-radicalized**, particularly in the absence of economic outlets that would become narrower **in an economic downturn**. **The most dangerous casualty** of any economically-induced drawdown of U.S. military presence **would** almost certainly **be the Middle East.** Although Iran’s acquisition of nuclear weapons is not inevitable, **worries about a nuclear-armed Iran could lead states in the region to develop new security arrangements with external powers, acquire additional weapons, and consider** pursuing their own **nuclear** ambitions. It is not clear that the type of stable deterrent relationship that existed between the great powers for most of the Cold War would emerge naturally in the Middle East with a nuclear Iran. Episodes of low intensity conflict and terrorism taking place under a nuclear umbrella could lead to an unintended escalation and broader conflict if clear red lines between those states involved are not well established. The close proximity of potential nuclear rivals combined with underdeveloped surveillance capabilities and mobile dual-capable Iranian missile systems also will produce inherent difficulties in achieving reliable indications and warning of an impending nuclear attack. **The lack of strategic depth** in neighboring states like Israel, **short warning and missile flight times, and uncertainty of** Iranian **intentions may place more focus on preemption rather than defense, potentially leading to escalating crises**. **Types of conflict that the world continues to experience, such as over resources, could reemerge, particularly if protectionism grows and there is a resort to neo-mercantilist practices**. **Perceptions of renewed energy scarcity will drive countries to take actions to assure their future access to energy supplies**. In the worst case, **this could result in interstate conflicts** if government leaders deem assured access to energy resources, for example, to be essential for maintaining domestic stability and the survival of their regime. Even actions short of war, however, will have important geopolitical implications. **Maritime security concerns** are providing a rationale for naval buildups and **modernization efforts**, such as China’s and India’s development of blue water naval capabilities. If the fiscal stimulus focus for these countries indeed turns inward, one of the most obvious funding targets may be military. Buildup of regional naval capabilities could lead to **increased tensions, rivalries, and** counterbalancing moves, but it also will create opportunities for multinational cooperation in protecting critical sea lanes. With water also becoming scarcer in Asia and the Middle East, cooperation to manage changing water resources is likely to be increasingly difficult both within and between states in **a more dog-eat-dog world.**

Outweighs and turns case – poverty is the worst form of structural violence and magnifies other impacts. **Pogge**

Thomas Pogge, Poverty and Human Rights. 2002.

Human rights would be fully realized, if all human beings had secure access to the objects of these rights. Our world is today very far from this ideal. Piecing together the current global record, we find that most of the current massive **underfulfillment of human rights is** more or less directly **connected to poverty.** The connection is direct in the case of basic social **and** economic human rights, such as the right to a standard of living adequate for the **health and well-being** of oneself and one’s family, including food, clothing, housing, and medical care. The connection is more indirect in the case of civil and political human rights associated with democratic government and the rule of law. Desperately **poor people**, often stunted, illiterate, and heavily **preoccupied with the struggle to survive,** typically **lack** effective **means for resisting** or rewarding their **rulers, who are therefore likely to** rule them **oppress**ively while catering to the interests of other, often foreign, agents (governments and corporations, for instance) who are more capable of reciprocation. The statistics are appalling. Out of a total of 6575 million human beings, 830 million are reportedly chronically undernourished, 1100 million lack access to safe water and 2600 million lack access to basic sanitation (UNDP 2006: 174, 33). About 2000 million lack access to essential drugs (www.fic.nih.gov/about/summary.html). Some 1000 million have no adequate shelter and 2000 million lack electricity (UNDP 1998: 49). Some 799 million adults are illiterate (www.uis.unesco.org). Some 250 million children between 5 and 14 do wage work outside their household with 170.5 million of them involved in hazardous work and 8.4 million in the “unconditionally worst” forms of child labor, which involve slavery, forced or bonded labor, forced recruitment for use in armed conflict, forced prostitution or pornography, or the production or trafficking of illegal drugs (ILO 2002: 9, 11, 17, 18). **People of colour and females** (UNDP 2003: 310-330; UNRISD 2005; Social Watch 2005) **bear greatly disproportionate shares** of these deprivations. Roughly **one third of all human deaths**, some 18 million annually, **are due to poverty-related causes**, easily preventable through better nutrition, safe drinking water, mosquito nets, re-hydration packs, vaccines and other medicines. This sums up to 300 million deaths in 17 years since the end of the cold war - many more than were caused by all the wars, civil wars, and government repression of the entire 20th century.

Poverty causes massive violence racism against marginalized groups. **Social Watch 13**

Social Watch (International network of citizens’ organizations in the struggle to eradicate poverty) , POVERTY AND RACISM INEXTRICABLY LINKED, SAYS UN EXPERT, 2013. NS

In a report to the UN General Assembly, a UN rights expert has emphasised that poverty is closely associated with racism and contributes to the persistence of racist attitudes and practices which in turn generate more poverty. Racial or ethnic minorities are disproportionately affected by poverty; and the lack of education, adequate housing and health care transmits poverty from generation to generation, a United Nations rights expert has said. According to Ruteere, poverty does not result only from an unequal sharing of resources. 'Discrimination against groups and persons based on their ethnicity, race, religion or other characteristics or factors has been known to encourage exclusion and impoverish certain groups of the population who suffer from unequal access to basic needs and services.' In his report to the UN General Assembly last November, the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Mutuma Ruteere, was of the opinion that the issues of poverty and racism are inextricably linked. As has been emphasised in the Durban Declaration, he said, 'poverty... [is] closely associated with racism... and contribute[s] to the persistence of racist attitudes and practices which in turn generate more poverty' (paragraph 18). Ruteere said that as the previous Special Rapporteur on racism underlined in his report to the General Assembly in 2009, 'racial or ethnic minorities are disproportionately affected by poverty, and the lack of education, adequate housing and health care transmits poverty from generation to generation and perpetuates racial prejudices and stereotypes in their regard'. In his report, the Special Rapporteur welcomed the efforts and initiatives undertaken by various states to prohibit discrimination and segregation and to ensure full enjoyment of civil, cultural, economic, political and social rights for all individuals and groups. He noted that certain groups and individuals, including people of African descent, indigenous peoples, minorities, Roma, Dalits and migrants, are still confronted with poverty and discrimination, especially in the enjoyment of their economic and social rights. 'The persistence of discrimination against those groups and individuals remains a challenge to the construction of a tolerant and inclusive society, and only the guarantee of equality and non-discrimination policies can redress that imbalance and prevent those groups that are discriminated against from falling into or being trapped in poverty,' Ruteere emphasised. Poverty and discrimination In his report, the Special Rapporteur discusses the manifestations of poverty and racism in the areas of economic and social rights such as education, adequate housing and health care, and other rights affected in the link between racism and poverty, including the right to work in just conditions, social security, food and water. According to Ruteere, poverty does not result only from an unequal sharing of resources. 'Discrimination against groups and persons based on their ethnicity, race, religion or other characteristics or factors has been known to encourage exclusion and impoverish certain groups of the population who suffer from unequal access to basic needs and services.' Groups that are discriminated against, such as Afro-descendants, minorities, indigenous peoples, migrants and refugees, are disproportionately affected by poverty in all regions of the world. 'The complex relationship between racism and discrimination suggests that only the guarantee of equality and non-discrimination can redress that imbalance and protect such groups from falling into or being trapped in poverty,' the Special Rapporteur stressed. According to the report, a history of discrimination has left a large number of racial and ethnic groups in various parts of the world trapped in conditions of 'chronic deprivation of resources' with limited choices and vulnerable to multiple violations of their rights.

### Impact Weighing – Oppression

Omitted

## Links

### Gun Control

Republicans support their God-given right to bear arms

Republican Platform 12 (Republican Party Platform, “2012 Republican Party Platform,” 2012, http://www.ontheissues.org/2012\_RNC\_Platform.htm)

We uphold the right of individuals to keep and bear arms, a right which antedated the Constitution and was solemnly confirmed by the Second Amendment. We acknowledge, support, and defend the law-abiding citizen's God-given right of self-defense. We call for the protection of such fundamental individual rights recognized in the Supreme Court's decisions in District of Columbia v. Heller and McDonald v. Chicago affirming that right, and we recognize the individual responsibility to safely use and store firearms. This also includes the right to obtain and store ammunition without registration. We support the fundamental right to self-defense wherever a law-abiding citizen has a legal right to be, and we support federal legislation that would expand the exercise of that right by allowing those with state-issued carry permits to carry firearms in any state that issues such permits to its own residents.

Republicans hate all gun reform

Cassidy 15 (John, writer @ the New Yorker, “Republicans and Gun Control: A Sad Mantra,” OCTOBER 7, 2015, http://www.newyorker.com/news/john-cassidy/republicans-and-gun-control-a-sad-mantra)

Over the past few days, as family members of the nine people killed by a gunman at Umpqua Community College, in Oregon, prepared to bury their loved ones, many of the G.O.P. candidates for President have been offering their thoughts on what to do—or, rather, what not to do—about gun violence. Let’s start with Ben Carson, the retired neurosurgeon who is currently running second, behind Donald Trump, in the G.O.P. polls. Participating in an exchange on Facebook on Monday night, Carson recalled removing bullets from gunshot victims, and added, “I never saw a body with bullet holes that was more devastating than taking the right to arm ourselves away.” On Tuesday morning, Carson went on Fox News and said, “It’s the person behind the gun. Guns don’t kill people.” He didn’t stop there. Asked what he would do if a gunman walked up to him, put a gun to his head, and asked him what his religion was, Carson replied, “I’m glad you asked that question. Because not only would I probably not coöperate with them, I would not just stand there and let him shoot me. I would say, ‘Hey guys, everybody attack him. He may shoot me, but he can’t get us all.’ ” It’s hard to believe that anybody, let alone a politician running for national office, would insult the victims of a massacre by suggesting that their response had been inadequate. About the most that can be said for Carson is that he isn’t a professional politician: he’s a novice. So is Trump, who, on Tuesday, described himself as a “very big Second Amendment person,” and suggested that the problem in Umpqua was that no one on the scene, apart from the twenty-six-year-old shooter, was armed. (At least one student, an Army veteran, was carrying a gun, a few buildings away.) Trump also said that he opposed a ban on assault weapons—a proposal that he expressed support for in 2000. But, surely, the serious candidates—the Jeb Bushes and Marco Rubios—must have said something more consequential. Not exactly. Bush’s “stuff happens” line, which he uttered in South Carolina on Friday, has already entered the political lexicon and provided a gift to the Democrats. Rather than rehashing the debate about whether the remark was taken out of context (it wasn’t), let’s examine what Bush has said since then. After all, he’s had five more days to clarify how he would tackle gun violence. On Monday, he released a new campaign video, which said nothing about what happened in Oregon. On Tuesday, he published an op-ed in the Des Moines Register, which also didn’t bring up the massacre or its aftermath. Then, on Tuesday night, Bush delivered a long speech at a Republican dinner in Iowa. Once again, he made no mention of Umpqua or guns. Perhaps that is not surprising. The recipient of an “A+” rating from the National Rifle Association, Bush, during his time as governor of Florida, vigorously opposed efforts to expand gun control, and signed into law the notorious “Stand Your Ground” law. Marco Rubio, who is now leading Bush in most polls, is perhaps a more interesting case. Back in 2000, when he was running for a seat in Florida’s House of Representatives, Rubio said that he supported “reasonable restrictions” on gun sales. And after the Sandy Hook massacre, in December, 2012, Rubio’s spokesman said that Rubio would support measures to keep guns out of the hands of felons and the mentally ill. Since then, though, Rubio has backtracked and cozied up to the N.R.A. While campaigning in Iowa on Friday, he said, “Criminals don’t follow gun laws. Only law-abiding people follow gun laws.” On Tuesday, appearing on NBC’s “Today” show, he said, “The laws that many are proposing would have done nothing to prevent these attacks.” Rather than focusing on measures like expanding background checks for gun purchases, “the country should examine mental illness.” Many of the other G.O.P. candidates took a similar line. “The problem is mental illness and not necessarily gun registration or gun ownership,” Rand Paul said in a radio interview. Appearing on ABC’s “This Week,” Chris Christie told George Stephanopoulos, “I’m very concerned about the mental-health side of this.” On CNN’s “At This Hour,” Mike Huckabee said, “Do we need to do a better job in mental health? You bet we do.” What about Carly Fiorina, who promotes herself as a can-do, problem-solving leader? Couldn’t she say something different and less predictable? No. Fiorina, too, is a loyal supporter of the N.R.A., whose annual meeting she addressed earlier this year in a campaign-style video, boasting about her husband’s concealed-carry permits and saying, “When government takes away our guns, we are headed down a dangerous path.” On Friday, Fiorina criticized President Obama’s impassioned call for action, describing it as “premature, at best,” and “at worst, a really unfortunate politicization of this tragedy.” That was the pretty much the same thing Fiorina said in June, after Obama reacted to the mass shooting in Charleston, South Carolina. In fact, this is now the standard Republican/N.R.A. line. Each one of these massacres is regrettable and demands further study. But anybody who states the blatantly obvious—that countries with strict guns laws don’t have this problem—is politicizing the issue; they should either zip it, or confine themselves to expressing concern over mental illness. Of course, as HBO’s John Oliver pointed out over the weekend, talking about mental illness is largely a diversion, which distorts the facts about gun violence and serves to preserve the status quo. In 2013, during the Obama Administration’s effort to get some relatively minor gun-control laws through Congress, the White House proposed increasing the funding for mental-health programs and other initiatives designed to identify and help people who are potentially dangerous. Republicans in the Senate blocked the gun-control measures anyway, and no doubt they’d do the same this year if Obama were to send over a similar bill. On this issue, elected G.O.P. officials aren’t interested in reason or compromise. They are interested, primarily, in avoiding a challenge in the next election from an N.R.A.-backed candidate. In a sense, there’s nothing new here. For decades now, the N.R.A. and the rest of the gun lobby have had a grip on the Republican Party. But as the number of gun massacres has increased the consequences of this political capture have become harder to ignore. Now, in the full glare of a Presidential election, they cannot be avoided. Rather than engaging in an honest effort to address gun violence and prevent more senseless carnage, practically every G.O.P. candidate has been reduced to repeating a mantra that many of them, surely, cannot fully believe.

## Frontlines – Uniqueness

### Will Pass

Their ev doesn’t account for Obama PC – Obama’s pushing and it’ll pass now. **teleSUR 4/23**

(“US: Obama to Unveil New Actions on Criminal Justice Reform,” http://www.telesurtv.net/english/news/US-Obama-to-Unveil-New-Actions-on-Criminal-Justice-Reform-20160423-0022.html)

U.S. President Barack Obama is planning to unveil several new measures next week aimed at reforming the harsh sentencing laws that have boosted the country's prison population, he revealed Saturdy during his weekly radio address. Obama said the White House would also issue a new report "that details the economic costs of our high rates of incarceration," and said he will call "on businesses to commit to hiring returning citizens who have earned a second chance.” Obama pointed out that the U.S. has the largest prison population in the world, with more than 2.2 million inmates, in part due to the county’s “underfunded schools” and “unfair sentencing laws.” Obama is hoping to keep the pressure on Congress to produce legislation that would amend harsh federal laws adopted during the U.S. crack epidemic of the 1980s and 90s. Support is growing in Congress to follow the lead of more then 30 states that have modified some of their mandatory sentencing laws, at least for minor, non-violent offenses. “Good people from both sides of the aisle and across all sectors are coming together on this issue,” Obama said. The president detailed the social and economic costs of the nation’s overcrowded prisons, noting that the inmate population is the product of many people serving “unnecessarily long sentences” for non-violent crimes such as drug use. Currently, the U.S. observes the national "three-strikes-and-you're-out" law, which requires life sentences for people convicted of a violent felony after two or more previous convictions, including drug crimes. Today, nearly half of all federal inmates are in prison for drug-related offenses. The announcement comes just as the Justice Department commemorates "National Reentry Week" from April 24-30.

It’ll pass now – support from congressional leaders – Republican support is key. Bowman 4/28

Bridget Bowman, Banishing the Ghost of Willie Horton to Promote Criminal Justice Reform, 4/28, <http://www.rollcall.com/news/policy/banishing-ghost-willie-horton-promote-criminal-justice-reform#sthash.og7ABrm8.dpuf> VC

A number of Republicans who have yet to sign on as co-sponsors said they waiting to see changes to the bill, known as the Sentencing and Corrections Reform Act. The measure would reduce some mandatory sentences and facilitate criminal re-entry into society. These changes were previewed at a GOP Steering Committee lunch Wednesday. Former Attorney General Michael Mukasey, who served during the George W. Bush administration, attended the weekly lunch to lay out his support. A draft summary of the changes alters earlier provisions relating to firearm offenses, and prohibits retroactive relief to any offender convicted of a serious violent felony. The original bill involved reducing mandatory minimum sentences from 15 to 10 years for offenders convicted of illegally possessing a gun, who had previously been convicted of felony or drug offenses. But one of the proposed changes eliminates that provision, a move that helped Republican Sen. Dan Sullivan get on board. "I was very concerned. I wanted this to be low-level, nonviolent offenders," said Sullivan, Alaska's former attorney general. "And I thought the original version wasn’t narrow enough in that regard. So that was a big, big component from my perspective, to make sure that’s who it’s targeting.” Sullivan is one of four Republicans to sign on as co-sponsors in recent weeks. Sens. Mark Kirk of Illinois, Thad Cochran of Mississippi, and Steve Daines of Montana have also committed to backing the bill. Grassley and Senate Majority Whip John Cornyn, R-Texas, have been working "day and night" to garner GOP backing, according to Senate Minority Whip Richard J. Durbin, D-Ill., who also supports the legislation. The Judiciary Committee approved the criminal justice bill 15-5 in October. All nine Democrats supported the bill, along with six Republicans, though five GOP senators voted against it. Those Republican opponents suggested the bill would lead to the early release of dangerous criminals, who could commit violent crimes again. Durbin said he talked to Senate Majority Leader Mitch McConnell about the bill, and the Kentucky Republican told him,"‘I need more demonstration of support from Republicans before I call this bill on the floor.” Outside groups supporting the bill have also been conducting meetings with senators, focusing on those in tight re-election races and those who represent states that are overhauling their own criminal justice overhauls. This month, the USA Justice Action Network brought together advocates from groups ranging from the left-leaning Center for American Progress to the conservative FreedomWorks to hold meetings on Capitol Hill. "In not one of these meetings have they been told a flat 'no,'” said Holly Harris, the Justice Action Network's executive director. "Many of them are supportive, they’re just not ready to be publicly supportive,” Harris said. She later added, "I think they want to read through the changes." Harris suggested that the first action on criminal justice legislation could come from the House, where the Judiciary Committee is considering a series of bills, and has already passed two out of committee. Speaker Paul D. Ryan, R-Wis., who supports a criminal justice overhaul, and has pledged to bring the measures to the floor this year. "With an overwhelming vote out of the House, which again I think we’ll get, … I think there will be enormous pressure on the Senate to act,” said Harris.

CJR passes now bipartisanly – Republican support is key. **Kim 4/28**

Kim, Seung Min. "Compromise Struck on Criminal Justice Reform." POLITICO. April 28, 2016. Accessed April 28, 2016. <http://www.politico.com/story/2016/04/criminal-justice-reform-senate-222577>. JD

Top senators who have been quietly revising a controversial overhaul of criminal justice laws are set to unveil their reworked compromise later Thursday that they believe addresses conservative criticisms that could have derailed the bill in the Senate. Influential Senate Democrats and Republicans will hold a news conference on Thursday to show a renewed sense of momentum behind the long-stalled legislation that tries to ease mandatory minimum sentences for non-violent offenders. Story Continued Below Republican Sens. Dan Sullivan of Alaska and Steve Daines of Montana are among the new co-sponsors of the revised legislation, according to sources off Capitol Hill. The chief supporters of the criminal justice bill will also emphasize backing from GOP Sens. Mark Kirk of Illinois and Thad Cochran of Mississippi, who both endorsed the bill after changes were made. “We’ve listened to some of the concerns that have been expressed and we’ve been trying to meet those concerns,” Senate Majority Whip John Cornyn (R-Texas) told reporters earlier this week. The original version passed the Senate Judiciary Committee 15-5 in October, but tough-on-crime Senate conservatives — led by Sen. Tom Cotton of Arkansas — warned that it would inadvertently release felons with violent criminal records early from prison. Sen. Ted Cruz (R-Texas) was also a vocal critic of the bill — which the first endorser of his presidential campaign in the Senate, Mike Lee of Utah, helped draft — but has been quiet lately as he's been campaigning. The compromise won’t satisfy critics like Cotton, but nevertheless has been enough to sway a handful of other Republicans and to get influential organizations, such as the National District Attorneys Association, on board. For instance, one section of the original legislation to reduce enhanced mandatory minimum sentences for people convicted under the Armed Career Criminals Act has been eliminated. The bill also now says that other reduced mandatory minimum sentences won’t apply retroactively for anyone who has been convicted of any serious violent felony, according to the summary. And it adds enhanced mandatory sentences for crimes involving Fentanyl, an opioid drug. “We feel this filters out the truly dangerous individuals who should stay out of the community, while allowing lower level offenders a chance for redemption,” the district attorneys group wrote to Senate leaders this week applauding the changes. The next step for the Senate coalition behind the bill will be to persuade Senate Majority Leader Mitch McConnell (R-Ky.) to take up the legislation this year. Speaker Paul Ryan (R-Wis.) has supported criminal justice legislation moving on a parallel track in the House, and the White House backs the effort.

Will Pass – House Action. **Pfeiffer 4/25**

(Alex; Daily Caller, “EXCLUSIVE: House Plans To Push Ahead With Criminal Justice Reform,” http://dailycaller.com/2016/04/25/exclusive-house-judiciary-committee-plans-to-push-ahead-with-criminal-justice-reform/)

The House of Representatives is planning on voting on criminal justice reform Wednesday in an “overwhelming” vote before pressuring the senate to act on the measures, a GOP Capitol Hill aide tells The Daily Caller. On Wednesday, the House Judiciary Committee is planning on marking up five bills related to the opioid addiction crisis rankling the United States. A GOP Hill aide told TheDC, “Paul Ryan ﻿is trying to put criminal justice reform on the opioid bills the House is considering this week.” The Judiciary Committee previously passed H.R. 3713, The Sentencing Reform Act of 2015, in a voice vote in November. The White House has been pushing ahead to pass a bipartisan criminal justice reform bill in Obama’s last year. On Monday, economists in the Obama administration released a report which said that crowded U.S prisons are harming the nation’s economy. They argued the economy would be benefited by instead investing in prisoner education and job opportunities for felons.

Will Pass – Bipartisan Support. **Regnery 4/26**

(Alfred S.; Chair – Law Enforcement Legal Defense Fund, “Criminal Justice Reform: Hijacked by The Left,” http://www.breitbart.com/big-government/2016/04/26/criminal-justice-reform-hijacked-by-the-left/)

Too many conservatives, invested heavily in the idea of reforming the criminal justice system, have gone along with the liberal effort to return serious chronic felons to the streets. There is no question that there are plenty of problems with the criminal justice system and that the reform effort is legitimate and well-intentioned. Congress has over-criminalized the laws, many laws do not include a requirement for mens rea (a guilty mind, or intent to commit a crime), and often, particularly under state law, low-level offenders are incarcerated who would not be, to name a few. But legislation pending in both houses of Congress would reduce many mandatory minimum sentences imposed for serious crimes, many committed with a firearm, often involving chronic, violent offenders. It would also retroactively reduce sentencing provisions of The Violent Crime Control and Law Enforcement Act of 1994, signed by Bill Clinton, which resulted in the conviction and imprisonment of thousands of violent criminals. The result would be to retroactively reduce penalties for thousands of serial armed career criminals including carjackers, bank robbers and kidnappers, reduce penalties for repeat high-level drug traffickers and weaken tools used by federal prosecutors to dismantle drug trafficking organizations. Over the past several years, the U.S. Sentencing Commission has ordered the release of thousands of serious criminals from federal prison, and in 2014 reduced the guidelines for all drug traffickers, regardless of the type of drug, criminal history, history of violence, gang or cartel ties making over 46,000 convicted drug traffickers eligible for early release. It is estimated that the bills now pending in Congress could make another 12,000 eligible for early release. There is no question that if these criminals are released from prison many will commit many more crimes. Recidivism rates for chronic drug traffickers are often over 75 percent – in other words, as many as three quarters will be arrested again for committing serious, often violent crimes. Worse, for every arrest, such criminals commit, on average, twelve other unsolved crimes. House Speaker Rep. Paul Ryan (R-WI)56% wants to pass the House bill as soon as he can, and several Republican Senators, including Sen. John Cornyn (R-TX)46% of Texas and Chuck Grassley of Iowa are pushing to get the bill to the Senate floor (although several Senate Republicans, including Sen. Tom Cotton (R-AR)79% of Arkansas and Sen. Jeff Sessions (R-AL)80% of Alabama are deeply opposed). Even the Republican National Committee, adding to its record of brilliance on national election matters, at its recent spring meeting, unanimously voted to endorse criminal justice reform. Both houses have reported bills from the Judiciary Committees; to his credit, Senate Majority Leader Sen. Mitch McConnell (R-KY)42% has voiced skepticism about bringing the bill to the Senate floor. Some revisions have been made by the Senate bill’s sponsors, which may make it somewhat more palatable, although many problems still exist. Virtually every Democrat in the House and Senate supports the bills, and Obama has called the legislation a legacy of his administration and the centerpiece of his second-term domestic policy agenda.

### PC Key

Obama has to keep pushing to keep it a priority. **Policy Mic 2/3**

POLICY.MIC 2/3 (“Alicia Keys Calls on Paul Ryan to Bring Criminal Justice Reform to a Vote,” http://mic.com/articles/134225/alicia-keys-calls-on-paul-ryan-to-bring-criminal-justice-reform-to-a-vote#.erjvAQKAB)

In an era of congressional dysfunction and partisan bickering, one of the few issues on which there is hope for bipartisan consensus is criminal justice reform. The movement to reform the United States justice system has been gaining steam for several years, but has recently come close to becoming reality, thanks to a bipartisan legislative effort in Congress. One of the most important driving forces behind this progress has been an advocacy effort by celebrities and prominent individuals who have applied public pressure to elected officials and galvanized popular support. Alicia Keys, the Grammy Award-winning singer and actress, has been one of the most outspoken advocates for reforming the criminal justice system. In November, Keys' We Are Here movement announced a partnership with #cut50, a movement founded by former White House official Van Jones that seeks to cut the prison population in half. The two groups are collaborating on #JusticeReformNOW, a call to action for the public to apply pressure to members of Congress. As part of that initiative, Keys has recorded a Valentine's Day message directed at Republican House Speaker Paul Ryan, urging him to bring criminal justice reform to a vote in the House of Representatives. "Help bring justice reform to a vote, so we can keep families together and reunite those unjustly torn apart by excessive incarceration," Keys says in the video, shared exclusively with Mic. The state of play: The U.S. prison population is the largest in the world — approximately 2.2 million people. After years of soaring incarceration rates, members of both parties worked for months on a package of reforms to overhaul sentencing laws and bolster rehabilitation programs. Reformers have been encouraged by the willingness of Democrats and Republicans to work together on the legislation, which passed the crucial Senate Judiciary Committee in October. "This is the one issue where everybody — from tea party conservatives to strong progressives, Paul Ryan to President Obama — want to do something," #cut50's Jones said in an interview. "This is a real test of whether our democracy can function." As Mic's Zeeshan Aleem wrote last year, President Barack Obama has taken numerous symbolic and substantive steps toward implementing reform, both through executive action and in encouraging the congressional process to move forward. Ryan has also been an outspoken supporter of reform, including the measure in his list of priorities for 2016. "I think criminal justice reform is probably the biggest [issue] we can make a difference on," Ryan told Politico in an interview in January. "There's a real way forward on that." The road ahead: Outreach efforts by advocates like Keys have been crucial to galvanizing support on Capitol Hill. "Alicia Keys came to Washington, D.C., having spent the day in Baltimore with some of the poorest kids in the country. She spoke from her heart," Jones said, referring to a November appearance Keys made in Washington. "She probably didn't know it, but we had 400 congressional staffers there, at night. And those people went back to their offices and they were pretty fired up. That really kept this issue alive." Jones is convinced that the prospects for reform look brighter than ever, and that the bipartisan consensus that currently exists can be sustained throughout the legislative process. "The argument has been won," he said. "Everybody knows what the right thing to do here is. It's just not the No. 1 issue on anybody's agenda." Convincing members of Congress to make criminal justice reform a priority in the coming months is now the focus of Keys' and Jones' efforts — hence Keys' call for Ryan to bring the issue to a vote in the House. "Because Paul Ryan has spoken so passionately about the need to do something about poverty and the need to do something about criminal justice reform, it makes a lot of sense to go ahead and get him to put his votes where his mouth is," Jones said. "Our hope is he picks up the mantle on this."

Reform will pass but uncertain – needs agreement from conservatives **Foran 1-12**

Clare Foran, "A New Hurdle In The Push For Criminal-Justice Reform," Atlantic, http://www.theatlantic.com/politics/archive/2016/01/criminal-justice-reform-obama/423789/, January 12, 2016. CC

The stars seem to have aligned. An unlikely coalition of liberals and conservatives has coalesced around criminal-justice reform, as the public appears to be paying more attention to fatal police shootings and mass incarceration. President Obama has worked to gin up momentum for reform, and is expected to press for action during his final State of the Union address Tuesday evening. Even with that common ground, however, tensions are bubbling up. A debate over the burden of proof for criminal convictions now threatens to throw a wrench into the effort to overhaul the nation’s criminal-justice system. That debate was on full display Tuesday during a conversation between House Judiciary Committee Chairman Bob Goodlatte and The Atlantic’s Washington Editor-at-Large Steve Clemons at an Atlantic Exchange event. The Republican chairman suggested that the House of Representatives won’t approve a criminal-justice deal without changes to the way the U.S. criminal code determines criminal intent, despite the fact that the White House opposes the changes. “A deal that does not address this issue is not going anywhere in the House of Representatives,” Goodlatte said when asked if he would oppose a deal that did not include such a provision. “It has to be overcome. This is a critical element to doing justice in this country.” The disagreement points to the possibility that negotiations will break down. It highlights the challenges, and potential pitfalls, of assembling a left-right coalition, and raises the question of how much various interests at play will be willing to compromise. The dispute also threatens to stall sentencing reform, an issue that the president has elevated as a top priority in his second-term. At stake is a question of fairness. Goodlatte, along with conservative and libertarian organizations, support legal changes that they say would protect citizens from being unfairly charged with crimes they unknowingly committed. The White House, along with liberal organizations, believe that altering the burden of proof could make it more difficult to prosecute criminal activity. Critics also fear the proposal could let big business off the hook for illicit activities that lawyers could claim a company didn’t know were illegal.

### A2 Delay

Criminal justice reform in months – **Sputnik News 1-13**

Sputnik News, 1-13-16, <http://sputniknews.com/us/20160113/1033028159/us-criminal-justice-reform.html#ixzz3xDUdahnA> DOA: 1-14-16 US Criminal Justice Reform Could Come in “Months”

WASHINGTON (Sputnik) — **There is enough momentum among US Democrats and Republicans to reform the criminal justice system during President Barack Obama’s final year in office,** Senator Cory Booker told Sputnik. "There is support for criminal justice reform on both sides," Booker said on Tuesday when asked if there are any issues the Congress will work with Obama on in his final year. **Booker added he is "hopeful" there can be legislative action on criminal justice reform "in the next few months."**

### A2 “Criminal Intent” Dispute

Criminal intent “Mens rea” dispute will be solved easily – not a threat to passage. **Daily Signal 1-3**

Daily Signal, 1-3-16, http://dailysignal.com/2016/01/13/mike-lee-assures-prison-reform-dispute-over-criminal-intent-can-be-resolved-relatively-easily/ DOA: 1-14-16

**Seeking to settle a dispute that threatens to block bipartisan progress toward a deal on criminal justice reform, the Senate’s conservative leader on the issue is downplaying the hurdles to reaching an agreement.** Rep. Bob Goodlatte, chairman of the influential Judiciary Committee, declared Tuesday that the House won’t pass legislation unless it contains a controversial provision requiring prosecutors to prove that certain criminal suspects knowingly intended to break the law.A day after Goodlatte, R-Va., roiled debate on the issue, Sen. **Mike Lee**, R-Utah, **assured that the dispute over** the criminal intent requirement—known as “**mens rea**,” the Latin phrase for “guilty knowledge” or “guilty mind”—**could be resolved “relatively easily.” “There is a difference, but it’s a relatively minor difference [between] the mens rea element that’s in the House version and not in the Senate version**,” said Lee, who spoke Wednesday with reporters at The Heritage Foundation to reflect on President Barack Obama’s final State of the Union address.“We’re not talking about sweeping, drastically different bills,” Lee said. “It could be worked out relatively easily. As expected, Obama in his State of the Union specified a deal on criminal justice reform as a main priority for 2016. Both Goodlatte and Lee share that ambition, and they’ve helped their respective judiciary committees pass bills reforming the criminal justice system.The full House and Senate have not yet taken up legislation on the issue.

### A2 Congress Won’t Do Anything

Despite SCOTUS and the election, CJS reform is top of the docket. **Stewart 3/2**

Josh Stewart, Dozens of groups lobby heavily on criminal justice reform bill, MARCH 2, 2016

With a Supreme Court vacancy and a heated election season, the issue of criminal justice remains front and center with candidates, voters, activists and, of course, Congress. Over the past year, Congress has been debating a number of bills related to reforming the criminal justice system. This includes an effort to pass the Sentencing Reform and Corrections Act of 2015, which, among other things, would alter mandatory minimum sentencing for nonviolent offenders and allow for more discretion on issuing sentences.

Congress will do criminal justice reform. **Barron-Lopez 1-12**

Laura Barron-Lopez, 1-12-16, Criminal Justice Reform May Be the One Thing Congress Can Get Done in Obama’s Last Year, <http://thehill.com/blogs/blog-briefing-room/news/265684-obama-work-with-me-on-criminal-justice-reform-bill> DOA: 1-14-16

As President Barack Obama prepares to deliver his last State of the Union address to Congress on Tuesday, **lawmakers discussed what, if any, big policy changes they could work on with Obama during his final year office. The answer: criminal justice reform.** A bill in the Senate that would grant judges more flexibility to revisit and reduce sentences for low-level drug offenders, and allow qualifying inmates to shave time off their stints, passed out of committee on a bipartisan 15-5 vote last year. Similar legislation in the House also targets harsh sentencing laws, and seeks to greatly slash a skyrocketing prison population. On Tuesday, Senate Minority Whip Dick **Durbin** (D-Ill.) cited criminal **justice reform as as area the Senate could “make history [on] this year.**”His Republican counterpart, Senate Majority Whip John Cornyn (Texas), agreed. “This could be a legacy item for the president,” Cornyn said. “I think this is an area where we could do some good, and building as we should on successful state-based programs.” Prisons, Cornyn added, “shouldn’t just be warehouses for human beings.” By all accounts**, Republican party leaders in the Senate and House** -- Majority Leader Mitch McConnell (R-Ky.) and House Speaker Paul Ryan (R-Wis.) -- **appear willing to bring such legislation to the floor. “It’s a pretty high priorit**y,” Sen. John Thune (R-S.D.) said when asked about the temperature among leadership to act. “**And there’s a lot of interest in it on both sides, and there’s frankly quite a bit of agreement from both sides**.” **Thune** predicted that criminal justice reform h**as a “better than 50/50” shot of passing both chambers** and reaching the president’s desk within Obama’s final year. **“In terms of major legislative initiatives where there’s bipartisan support, there probably aren’t going to be a whole lot of them, but I think this is one**,” Thune said. “And there’s a sort of a grassroots momentum out there building behind this and I think that ... creates the right conditions for action.” Despite the optimism circulating through the upper chamber on Tuesday, **legislation addressing criminal justice reform would take a lot of work and negotiating**. It has already been the subject of at least three years of debate among lawmakers. Sen. John **McCain** (R-Ariz.) **summed up the difficulty with getting anything done in Obama’s final year given the great divide between the two parties**. **When asked what Congress can pass this year, he responded, “Uhhhhhhhh, I’m not sure."** **“Oh yeah, there’s consensus building on criminal justice reform,” he added a moment later**.

### A2 Thumpers - General

1. Uniqueness answers this – my evidence is from yesterday and proves they’re still pushing for CJS reform

2. Scher 15 explicitly identifies a distinction between bans and regulations – the minor expansion of background checks weren’t a death blow to conservatives, but a gun ban definitely will be

New Supreme Court nominee and controversial issues increase the chances of the bill passing because it shows senate is productive. Siegel 2/26

Siegel, Josh. "Mike Lee: Supreme Court Fight Helps Criminal Justice Reform." The Daily Signal. February 26, 2016. Accessed March 03, 2016. http://dailysignal.com/2016/02/26/mike-lee-believes-supreme-court-fight-helps-chances-for-passing-criminal-justice-reform-in-senate/. SP

Sen. Mike Lee believes that the Senate fight over the next Supreme Court nominee will help the chances of a criminal justice reform overhaul passing Congress this year. In an interview with The Daily Signal, Lee, a conservative leader on the issue, suggested that Republican leaders may be more eager to achieve a bipartisan deal on criminal justice reform because it would show that the Senate can be productive even while the GOP holds up the next Supreme Court nominee. “If the question is if this could actually help its chances, the answer is yes,” said Lee, R-Utah. “We in the Senate naturally want to find areas where there is significant bipartisan agreement, and this is one of them. The fact we disagree in some areas makes it much more important for us to pass bills like the Sentencing Reform and Corrections Act, and in that respect, it makes it more likely we will.” “There still is very strong bipartisan support for this effort, and that’s not going to evaporate simply because we have a strong disagreement when it comes to the Supreme Court vacancy,”

CJS reform is top of the docket – **Nohle 1-13**

Andrea Nohle, 1-13-16, Washington Times, <http://www.washingtontimes.com/news/2016/jan/13/obama-administration-back-at-criminal-justice-refo/> DOA: 1-14-16

**The president has made criminal justice reform a top priority for his final year in office**, and while **legislation to overhaul the system has been introduced in both the House and the Senate**, neither chamber has yet to vote on the proposals.

CJS reform is top of Obama’s priority list, it’s top of the docket. **Simon 3/2**

Sarah Simon, Solution to US prison problem on it's way, March 2, 2016

The bill, however, remains valid and important, despite its distance from becoming law. The bipartisan elements of this bill are groundbreaking. This bill combines democratic and republican senators, with support from liberal activist group the American Civil Liberties Union in addition to the conservative Koch Brothers. It has done something that nobody thought possible in 2015: getting Democrats and Republicans to work together. President Obama's criminal justice platform has emphasized reducing the irregularity of the drug war. Obama, and many others, anticipated seeing this bill in 2015. The Sentence Reform and Corrections Act promises important results. Lowering minimum sentences for second- and third-time drug offenders and incentivizing rehabilitation services is fundamental to reducing the detriments of the drug war. This bill should move faster through the legislative system. Obama is committed to progress in criminal justice reform. With only 10 months left in his presidency, it is important for him to follow through on his reform platform.

### **A2 Election Thumper**

**Turn.** The election drives support of CJS reform. **Regnery 4/26**

Alfred Regnery, Criminal Justice Reform: Hijacked by The Left, 26 April 2016

House Speaker Rep. Paul Ryan (R-WI)56% wants to pass the House bill as soon as he can, and several Republican Senators, including Sen. John Cornyn (R-TX)46% of Texas and Chuck Grassley of Iowa are pushing to get the bill to the Senate floor (although several Senate Republicans, including Sen. Tom Cotton (R-AR)79% of Arkansas and Sen. Jeff Sessions (R-AL)80% of Alabama are deeply opposed). Even the Republican National Committee, adding to its record of brilliance on national election matters, at its recent spring meeting, unanimously voted to endorse criminal justice reform. Both houses have reported bills from the Judiciary Committees; to his credit, Senate Majority Leader Sen. Mitch McConnell (R-KY)42% has voiced skepticism about bringing the bill to the Senate floor. Some revisions have been made by the Senate bill’s sponsors, which may make it somewhat more palatable, although many problems still exist.

### A2 Garland Thumper

Obama pushing CJS before Garland. **Kim 4/10**

SEUNG MIN KIM, Inside Obama's Supreme Court charm offensive, 04/10/16

Obama talked on the phone with Sen. Mike Lee (R-Utah) after the vacancy opened up in what a Lee spokesman called a “long conversation.” White House counsel Neil Eggleston tried to connect with Alabama Sen. Jeff Sessions, but the Republican’s aides informed the White House before the two men could talk on the phone that he wouldn’t change his Supreme Court stance. Senate Judiciary Committee Chairman Chuck Grassley (R-Iowa) met with Obama in the Oval Office on March 1, and then heard from the president again just over two weeks later, when he was informed that Obama would be choosing Garland. “It was a very pleasant conversation,” Grassley said. “And a very short one.” McConnell, who also attended the Oval Office meeting with Grassley, hasn’t spoken to either Obama or Biden about the Supreme Court vacancy since that sit-down, during which the conversation veered off into other topics, such as the opioid epidemic and even basketball. Obama’s conversation about the vacancy with Sen. John Cornyn (R-Texas) seemed to steer off elsewhere too — pivoting mostly to criminal justice reform, a shared interest of the two men.

### A2 XO Thumper

1. Uniqueness answers this – it’s from a week after the executive order and proves GOP still wants CJS now

2. Scher 15 explicitly identifies a distinction between bans and regulations – the minor expansion of background checks weren’t a death blow to conservatives, but a gun ban definitely will be

3. No Thumper-Obama XO was specifically designed to be mild and avoid election effects. **Johnson 1-5**

(Jason, Politics Editor, http://www.theroot.com/articles/politics/2016/01/president\_obama\_just\_made\_gun\_control\_an\_election\_issue\_in\_2016.html)

About 15 seconds after President Barack Obama delivered a heartfelt, emotional series of proposals for gun safety, House Speaker Paul Ryan (R-Wis.) released a statement. Within five minutes after President Obama finished speaking, Reince Priebus, the head of the Republican National Committee, released a statement. The swiftness with which these statements were released means that unless the GOP had a time machine that allowed it to hear Obama’s mostly ad-libbed speech before he actually gave it, its members already knew what they were going to say and how they were going to respond before Obama even opened his mouth. Regardless of the GOP opposition, Obama simply proposed the kind of legislation that already exists throughout America. What is more important, however, is his confidence that gun violence in America is so bad that it will actually be a winning issue in the 2016 fall elections. That’s a new take on guns from Obama, and for the first time in his presidency, on this issue, he might be right. The most substantive part of the president’s executive actions for gun control is pretty mild. Essentially, Obama is expanding and clarifying what it means to be a “gun dealer” in America, which will cause more sellers to be responsible for conducting background checks. Until Tuesday’s action, you had thousands of people across the nation buying and selling guns, still in the original binding, as part of a hunting-vacation package or online, who were technically not gun dealers because the law wasn’t specific enough. And if you weren’t a specified gun dealer, you didn’t have to do background checks, which meant that criminals, terrorists and mentally ill people could buy guns from you and wreak havoc. Now all of these side-hustle gun sellers are required to do the same background checks on their customers as Wal-Mart, Target or Gander Mountain. And if they don’t, they run the risk of being prosecuted as illegal arms dealers, which is a pretty serious charge in America’s anti-terrorism war. The Republican political elite and candidates will call this unconstitutional, executive overreach. They will claim that expanding the definition of commerce and the regulation of actions are abuses of executive power that wouldn’t have stopped any mass shootings anyway. All of which is completely untrue. What the president did Tuesday is arguably no different from a city council’s expansion of the definition of “restaurants” to include food trucks so that “Taco on Wheels” has to follow the same food-safety standards as Taco Bell. We all know those standards aren’t that stringent—nor will they prevent food poisoning—but they might save you a couple of extra trips to the bathroom and make it harder to pass off day-old meat as “spicy chorizo.” Nothing that President Obama proposed Tuesday would have necessarily stopped Dylann Roof, or the Oregon-college, Virginia Tech or Sandy Hook mass shootings. But his actions could slow down the actions of a potential killer, since he or she won’t be able to slip through the cracks to buy guns as easily as before. Republicans in Congress and some Democrats are never going to vote for substantive gun-safety reform, for dozens of reasons. In some cases it’s because of a different interpretation of the Second Amendment; in others, it’s the typical blind opposition to anything Obama proposes. Yet with some other members of Congress, it’s the fear of the National Rifle Association funding a challenger against them. The excuse many will use this year is that a presidential election year is not the time to engage in radical reform agendas. Rest assured, it has nothing to do with how voters actually feel, since 92 percent of Americans and 87 percent of Republicans actually favor universal background checks for all gun buyers. Which is actually the most significant aspect of the president’s speech Tuesday. On Tuesday, Obama essentially said that his executive actions can only go so far until we have a new Congress, even though that will happen after he leaves office. This is a bold and politically savvy statement heading into the 2016 campaign season because it suggests that Democrats, for the first time in history, believe that they can win on the gun issue. If Congress won’t listen to the polls, if Congress won’t listen to Obama and if Congress won’t even listen to its old colleagues who have suffered from gun violence, perhaps it will listen to the voters. Usually, Obama focuses on how his policies will solve the problems of gun violence. This time, he’s pretty clear that while his polices can help, an outside voting effort will be required to enact real change.

### A2 Watered Down

Capital is key to prevent the bill from being too watered down. **Lind 2/9**

LIND 2/9 (Dara; Vox, “The Senate might be getting rid of the boldest part of its criminal justice reform bill,” http://www.vox.com/2016/2/9/10949310/criminal-justice-reform-bill)

Criminal justice reform in Congress was always a compromise — not just between Democrats and Republicans, but between legislators who believe the US needs to end mass incarceration and those who aren't so sure. The question is just how far that compromise will go. According to a report from Politico's Seung Min Kim, the Senate's criminal justice reform bill — which was voted out of committee last year but hasn't made it to the floor yet — is still evolving. The Politico report says the bill is being changed to allow fewer people convicted of violent crimes to apply for release — presumably in response to concerns from Sen. Tom Cotton (R-AR), who started going around a few weeks ago saying the bill would result in the release of "thousands of violent felons." It's not clear that this is a done deal. The lead sponsors of the bill, Chuck Grassley (R-IA) and Dick Durbin (D-IL), released a statement Monday night that said they're working to address concerns, but that "how those changes will look is still being determined." It's possible that supporters of reform will manage to fight off major changes — or, more likely, to demand that the changes in the Politico article be accompanied by changes that expand relief to "nonviolent" offenders.

The integrity of the bill won’t be compromised by concessions. **Kim 2/8**

KIM 2/8 (Seung Min; Politco, “Authors pitch changes to criminal justice bill,” http://www.politico.com/story/2016/02/gop-criminal-justice-bill-218953)

Senators who authored a criminal justice overhaul are preparing several key changes to their bill aimed at mollifying conservative critics. In recent weeks, a handful of Senate Republicans — led primarily by Sen. Tom Cotton of Arkansas — have argued that the criminal justice reform bill would allow thousands of felons convicted of violent crimes to be released early from prison. Supporters say that’s an unfair characterization, but now they are making changes meant to eliminate any chance that those criticisms could become reality. One change involves Section 105 of the bill, which reduced enhanced mandatory minimum sentences for so-called “armed career criminals.” Under the original proposal, certain felons who already had three violent felony or serious drug offense convictions, and were found guilty of possessing a firearm would face a 10-year enhanced mandatory minimum — lowered from the current 15-year minimum sentence. But the bill’s authors are planning to get rid of this section altogether so that the higher, 15-year sentence remains intact, a senior GOP aide said Monday. The aide added that this section was the subject of the most complaints from conservatives. The second major change is to Section 104 of the bill. That section reduces enhanced mandatory minimum sentences for felons convicted of possessing a firearm while committing a drug crime or a violent offense, such as robbery. Those changes could be applied retroactively for current inmates. Now, the new version would specifically bar people convicted of firearm possession alongside a violent crime from being able to retroactively seek a reduced sentence. Those changes would “substantively" lower the number of current prisoners who could be released early, the aide said. “We have changed the bill to directly address those concerns and ensure that violent offenders will not benefit from relief under any of the provisions in the retroactive provisions,” the senior Republican aide said. The changes are expected to be rolled out later this week with the support of all initial GOP and Democratic backers of the criminal justice reform measure — a bill that’s been eyed as one of the few bipartisan accomplishments that could get done in Washington during a polarized election year. The legislation was introduced last fall with the backing of a diverse Senate coalition that includes Sens. Chuck Grassley of Iowa and Patrick Leahy of Vermont, the top Republican and Democrat on the Judiciary Committee; the two chief vote-counters of each party, GOP Sen. John Cornyn of Texas and Dick Durbin of Illinois; conservatives such as Sen. Mike Lee (R-Utah) and liberals including Sen. Cory Booker (D-N.J.). But Senate Majority Leader Mitch McConnell (R-Ky.), aware of the divisions in his conference on the criminal justice measure, has so far declined to say whether he’ll put the bill on the floor this year. Grassley and Durbin urged a bit of caution on Monday, indicating that some of the changes are "still being determined." The senators acknowledged that some lawmakers have "well-documented concerns" with the bill. “We’re working to find a path forward that addresses some of those concerns while maintaining both the core principles and significance of the bill and the broad bipartisan support that the bill has already garnered," Grassley and Durbin, the lead authors on the criminal justice bill, said Monday evening. "How those changes will look is still being determined, but we’re moving ahead to get a bill ready to be considered on the Senate floor.”

## Frontlines – Link

### A2 “AFF is XO” Shenanigans

Omitted

### A2 PC Theory not True

Omitted

### A2 PC Doesn’t Work

Omitted

### A2 Winners Win

Omitted

### A2 WW - Robinson

Omitted

### A2 Hirsh

Omitted

### A2 WW – Dickinson

Omitted

### A2 Intrinsicness

Omitted

### A2 Fiat Solves the Link

Omitted

### A2 Bottom of the Docket

Omitted

## Impact Frontlines

### A2 Econ Defense

Omitted

# WIP

### Cyber impact

More than 95,000 federal prisoners are serving time for drug-related offenses—up from fewer than 5,000 in 1980.1 Changes in drug crime patterns and law enforcement practices played a role in this growth, but federal sentencing laws enacted during the 1980s and 1990s also have required more drug offenders to go to prison— and stay there much longer—than three decades ago.2 (See Figure 1.) These policies have contributed to ballooning costs: The federal prison system now consumes more than $6.7 billion a year, or roughly 1 in 4 dollars spent by the U.S. Justice Department.3 Despite substantial expenditures on longer prison terms for drug offenders, taxpayers have not realized a strong public safety return. The self-reported use of illegal drugs has increased over the long term as drug prices have fallen and purity has risen.4 Federal sentencing laws that were designed with serious traffickers in mind have resulted in lengthy imprisonment of offenders who played relatively minor roles.5 These laws also have failed to reduce recidivism. Nearly a third of the drug offenders who leave federal prison and are placed on community supervision commit new crimes or violate the conditions of their release—a rate that has not changed substantially in decades.6 More imprisonment, higher costs Congress increased criminal penalties for drug offenders during the 1980s—and, to a lesser extent, in the 1990s—in response to mounting public concern about drug-related crime.7 In a 1995 report that examined the history of federal drug laws, the U.S. Sentencing Commission found that “drug abuse in general, and crack cocaine in particular, had become in public opinion and in members’ minds a problem of overwhelming dimensions.”8 The nation’s violent crime rate surged 41 percent from 1983 to 1991, when it peaked at 758 violent offenses per 100,000 residents.9 Congress increased drug penalties in several ways. Lawmakers enacted dozens of mandatory minimum sentencing laws that required drug offenders to serve longer periods of confinement. They also established compulsory sentence enhancements for certain drug offenders, including a doubling of penalties for repeat offenders and mandatory life imprisonment without the possibility of parole for those convicted of a third serious offense. These laws have applied broadly: As of 2010, more than 8 in 10 drug offenders in federal prisons were convicted of crimes that carried mandatory minimum sentences.10 Also during the 1980s, Congress created the Sentencing Commission, an appointed panel that established strict sentencing guidelines and generally increased penalties for drug offenses. The same law that established the commission, the Sentencing Reform Act of 1984, also eliminated parole and required all inmates to serve at least 85 percent of their sentences behind bars before becoming eligible for release. Federal data show the systemwide effects of these policies: Probation has all but disappeared as a sanction for drug offenders. In 1980, federal courts sentenced 26 percent of convicted drug offenders to probation. By 2014, the proportion had fallen to 6 percent, with judges sending nearly all drug offenders to prison.11 (See Figure 2.) The length of drug sentences has increased sharply. As shown in Figure 1 above, from 1980 to 2011 (the latest year for which comparable statistics are available), the average prison sentence imposed on drug offenders increased 36 percent—from 54.6 to 74.2 months—even as it declined 3 percent for all other offenders.12 The proportion of federal prisoners who are drug offenders has nearly doubled. The share of federal inmates serving time for drug offenses increased from 25 percent in 1980 to a high of 61 percent in 1994.13 This proportion has declined steadily in recent years—in part because of rising prison admissions for other crimes—but drug offenders still represent 49 percent of all federal inmates.14 Time served by drug offenders has surged. The average time that released drug offenders spent behind bars increased 153 percent between 1988 and 2012, from 23.2 to 58.6 months.15 This increase dwarfs the 39 and 44 percent growth in time served by property and violent offenders, respectively, during the same period.16 The increased imprisonment of drug offenders has helped drive the explosive overall growth of the federal prison system, which held nearly 800 percent more inmates in 2013 than it did in 1980.17 One study found that the increase in time served by drug offenders was the “single greatest contributor to growth in the federal prison population between 1998 and 2010.”18 Growth in the prison population has driven a parallel surge in taxpayer spending. From 1980 to 2013, federal prison spending increased 595 percent, from $970 million to more than $6.7 billion in inflation-adjusted dollars. Taxpayers spent almost as much on federal prisons in 2013 as they paid to fund the entire U.S. Justice Department—including the Federal Bureau of Investigation, the Drug Enforcement Administration, and all U.S. attorneys—in 1980, after adjusting for inflation.20

CJR passes now, but it’s uncertain – Republican support is key. **Barron-Lopez 4/28**

**“Senators Breathe New Life Into Criminal Justice Reform Bill, Unveil Changes,” The Huffington Post, 4/28/16, Laura Barron-Lopez.**

Efforts to reform the country’s strict sentencing laws aren’t dead in Congress just yet. A bipartisan group of senior senators revealed revisions Thursday to legislation that would reduce mandatory minimum sentences for nonviolent offenders and give judges greater discretion on sentencing for low-level drug crimes. ¶ The changes prevent violent criminals from qualifying for reduced sentencing options. However, they also expand provisions for low-level offenders, meaning more of them will benefit from the legislation and the total number of people affected will remain roughly the same as under the original bill.¶ The revisions also ensure that inmates convicted under the Armed Career Criminal Act will not be able to qualify for reduced sentences, while boosting mandatory sentences for offenses involving the opioid fentanyl, which is tied to drug overdoses and deaths.¶ As the authors intended, the tweaks convinced more Republicans to back the controversial bill. Without strong support within the GOP conference, Senate Judiciary Chair Chuck Grassley (R-Iowa) and Senate Majority Whip John Cornyn (R-Texas) won’t be able to get the legislation to the floor for a vote.¶ As of Thursday, four additional Republican senators joined — Sens. Mark Kirk (Ill.), Steve Daines (Mont.), Thad Cochran (Miss.), and Dan Sullivan (Alaska) — giving the bill 37 co-sponsors.¶ The task now is to continue wooing more members of the GOP conference and convince Senate Majority Leader Mitch McConnell (R-Ky.) that if he brings the package to the floor, it will have enough support to pass with 60 votes. “I think it’s time for those discussions to start right now,” Grassley said of approaching McConnell with the new text and cosponsors.¶ “Mitch McConnell has been waiting for a signal from the Republican side that they’re ready for the bill; I think today we have a signal,” said Senate Minority Whip Dick Durbin (D-Ill.), who helped author the bill. “We’re going to plead with him to put us on the agenda and try to move this as quickly as we can.”¶ Durbin stressed that the bill can pass the upper chamber with a majority of Democrats and Republicans backing it. “This is the best chance in a generation to reform our federal drug sentencing laws,” he said.¶ Still, the bill’s fragility was lost on no one. To keep the package together, Senate Judiciary Committee leadership continued “breathing life into it again though various tribulations,” committee member Sen. Sheldon Whitehouse (D-R.I.) said.¶ And alterations to the bill are unlikely to win over its harshest Republican critics — namely, Sens. Tom Cotton (Ark.), Jeff Sessions (Ala.) and Cornyn’s fellow Texan, GOP hopeful Ted Cruz, who all argue that a reduction in mandatory minimums would make communities less safe. ¶ Cotton immediately attacked the changes, saying the “revised bill only raises more serious questions.”¶ Sessions questioned whether the bill would “send a message to judges and prosecutors that we’re not interested in people serving sentences anymore” as “the crime rate is beginning to go up.”¶ The U.S. crime rate is at a historic low, according to a recent study by the Brennan Center for Justice, and remained steady from 2014 to 2015. Then there’s the issue of whether the bill will contain a provision on “mens rea,” or having a “guilty mind.” The provision, if included, would require prosecutors to prove a defendant’s guilt by establishing that he or she consciously intended to commit the offense.¶ Under federal regulations and statues, this isn’t required for certain offenses, such as crimes committed by corporate executives against public health or welfare. Republicans in the House badly want the “mens rea” requirement to apply to these crimes, but Democrats don’t — making it evident that there are still deep divisions to overcome despite Thursday’s bipartisan announcement.¶ “It’s pretty clear to me that it’s going to be in the House bill, so at some point we are going to need to deal with it,” Cornyn said of the contested mens rea provision. “We’ve seen the over-criminalization of our regulatory system.”¶ “One of the reasons it’s not in this bill is because senators like myself take exactly the opposing view,” said Whitehouse. “If we want to get into re-litigating elements of federal criminal code, then we can have that discussion separately.”¶ “Like I said, no consensus,” Cornyn said.